

12.A.2.e. Dismissal Pursuant to General Court-Martial Sentence

Officers dismissed from the Service pursuant to a sentence of general court-martial do not receive a certificate of discharge. Their only separation document is a letter signed by the Secretary or an authority to which he or she has lawfully delegated the function to inform the officer concerned of his or her trial, conviction, sentence, departmental action on and approval of the sentence, and fact of dismissal. This is the lowest type of separation from the Service, and in all respects equals a dishonorable discharge.

12.A.2.f. Administrative Separation

In all cases in which an officer is recommended for administrative separation from the Service, the recommending authority shall also recommend the type of discharge that should be granted under this article.

12.A.2.g. Issuing Authority

Commander (CGPC-opm) will determine the type of discharge and direct the servicing Personnel Reporting Unit (PERSRU) to prepare the appropriate discharge certificate in the officer's separation order, either in writing or via message. Under no circumstances will any ship or station ever issue any form of discharge certificate to an individual separated from the Service as a chief warrant or commissioned officer.

12.A.3. Inter-Service Transfers of Regular and Reserve Active Duty Officers

12.A.3.a. General

Per 10 U.S.C. 716, **and notwithstanding any other provision of law, any commissioned officers of a uniformed service may be transferred from their uniformed service to, and appointed in, another uniformed service. The following applies:**

1. The officer must consent to the transfer.
2. An officer transferred from the Coast Guard may not be appointed in another Service at a higher rank or precedence than that held on the date before transfer.
3. Transfers will be made only within authorized strength limitations to officers who have fulfilled **their** obligated service requirements.

12.A.3.b. Procedure

1. Normally, an individual officer initiates a transfer by submitting a request through the chain of command to Commander (CGPC-opm). A justification of the requested transfer as being in the interest of national security and the individual officer must accompany all requests.
2. Commander (CGPC-opm) will indicate concurrence or disagreement and send the request to the Department of Defense.
3. If the Coast Guard and Department of Defense approve the request, the two affected Services will terminate the officer's current commission and reappoint him or her in the other Service without interrupting the continuity of his or her total military service.
4. An officer transferred under this Article is placed on the receiving Armed Force's applicable promotion or lineal list in an appropriate position as determined by the amount of promotion list service he or she earned in his or her parent Service on the day before transfer. Grade and date of rank are determined by applying the amount of promotion list service to the appointment laws in effect for the Service to which the officer is transferring.
5. An officer transferred under this Article is credited with the unused leave which he or she was credited at the time of transfer and the total military service with which he or she was credited on the day before transfer.

12.A.4. Vacant

12.A.5. Resignations

12.A.5.a. General

Regular and reserve officers retain their commission at the pleasure of the President. This Article lists the criteria to voluntarily terminate an officer's status as deemed necessary for current Service requirements and the needs of the officer corps.

12.A.5.b. Submitting Requests to Resign

Officers must submit voluntary requests to resign in writing to Commander (CGPC-opm) through the chain of command. Commander (CGPC-opm) carefully notes the immediate commanding officer's comments, which should contain pertinent facts or reasons that underlie the request. To receive an acknowledgment the request was received, provide your e-mail address in the letter and indicate you would like to receive acknowledgement the request was received.

12.A.5.c. Deadline

An officer may submit an unqualified request to resign (☞ Article 12.A.6.a.) not more than one year in advance but in sufficient time to reach Commander (CGPC-opm) six months before the requested resignation date. Exceptions to these time limits may be granted in hardship cases. Due to shortages that may occur in specialized communities, depending on the timing of resignation requests, approved separation dates may be up to 12 months from the date of the request should the needs of the Service require.

12.A.5.d. Acceptance

A resignation has no effect until competent authority accepts it. Upon receiving and acknowledging a request for resignation, Commander (CGPC-opm) establishes the terminal date and supplies the officer with an information letter and accounting data pending final acceptance by the Secretary of Transportation on behalf of the President.

12.A.5.e. Denying a Request

Except in very unusual circumstances, Commander (CGPC-opm) will not accept an officer's resignation under these conditions:

1. The officer has not completed active obligated service.
2. The officer has not completed one year at his or her INCONUS or two years at his or her OUTCONUS duty station.
3. A state of emergency exists during which Service needs clearly preclude accepting a resignation.
4. Commander (CGPC-opm) issued orders to duty outside the continental limits of the United States before receiving the letter tendering a resignation.

12.A.5.f. Request for Reserve Commission

An officer whose resignation is accepted and who has no obligation under 10 U.S.C. 651 is not required to accept a Coast Guard Reserve appointment. However, officers whose service has been satisfactory are encouraged to do so, since Reserve service will be desirable for the Coast Guard and advantageous to the individual. All officers requesting resignation shall state whether or not they desire a Coast Guard Reserve commission. Requests for Reserve Commissions should be submitted to Commander, (CGPC-rpm). To ensure there is no break in service, requests should be submitted at least 120 days prior to discharge. Once the officer has been appointed by the Secretary of Transportation and has executed the Acceptance and Oath of Office form (CG-9556) PERSRUs should ensure the member is accessed into the Reserve in accordance with the SDA II User Manual, HRSICINST M5231.2 (series).

12.A.5.g. Temporary Officers

An enlisted member serving as a temporary commissioned officer who resigns and has no obligation under 10 U.S.C. 651 will be discharged. Should a temporary officer who has an obligation under 10 U.S.C. 651 be granted a resignation, he or she will be given the choice of either a Reserve commission followed by release to inactive duty or reversion to permanent status and transfer to the Reserve to complete the required service. Temporary officers who resign their commission are encouraged to accept a commission in the Coast Guard Reserve.

12.A.5.h. Withdrawing a Request



Based on Service needs, Commander (CGPC-opm) may grant the officer concerned approval to withdraw a request to resign; **however, the officer must acknowledge in writing that he or she understands that he or she will be required to complete a minimum of two (2) years active duty from the date of cancellation.**

12.A.5.i. Disapproving a Request

The Commandant may decide to retain officers on active duty beyond their requested resignation date based on Service needs.

12.A.6. Forms of Officers' Resignations

12.A.6.a. Unqualified Resignation

1. The Coast Guard is interested in the reasons why an officer voluntarily separates from the Service and a Coast Guard career. Therefore, it is important for an officer submitting his or her resignation to state precisely the reasons for doing so. If an officer desires to resign to attend school, enter business, or accept a position in civilian life, he or she should say so. If an officer is resigning because he or she thinks his or her chances for promotion in the Service are poor, the pay is inadequate, or the deprivation of home life is excessive, he or she should state these reasons as well.
2. The form in which to submit an unqualified resignation is:
 - a. I hereby submit my resignation from the United States Coast Guard and request its acceptance effective [date].
 - b. [State reasons for resigning commission.]
 - c. I have been informed and understand if my request to resign is accepted, I subsequently shall receive a certificate of honorable discharge from the Coast Guard.
 - d. I [do/do not] desire a commission in the U.S. Coast Guard Reserve. I understand to receive retired pay at age 60, I must complete at least 20 years' satisfactory Federal service, the last eight years of which must be qualifying service as a Reserve component member in compliance with 10 U.S.C. 12731.
3. Officers requesting voluntary, unqualified resignation may also be eligible for Temporary Separation described in  Section 12.F. Officers are encouraged to become familiar with the provisions of  Section 12.F prior to submission of a request for voluntary, unqualified resignation.

ensure an appropriate entry is made on a Administrative Remarks, CG-3307 and filed in each member's Personnel Data Record (PDR) as to the date this information was explained to the member.



12.B.4. Pre-Discharge Interview of Enlisted Members

12.B.4.a. General

In general, a member who meets ☞ Article 1.G.5. reenlistment standards is eligible to reenlist, unless the reason for discharge precludes reenlistment, such as physical disqualification, disability, unsuitability, misconduct, or an alien's failure to become a naturalized citizen, or if the commanding officer did not recommend him or her. Commanding officers should not refuse reenlistment to members who have demonstrated a potential for a successful, productive Coast Guard career. Commanding officers may assign members serving in the E-2 or E-1 pay grade at the end of their active duty term, the designation "Eligible for Reenlistment" (Reenlistment Code RE-1) provided these members are in all other respects eligible. Commanding officers should encourage members in pay grade E-3 to reenlist provided they meet ☞ Article 1.G.5. requirements. However, commanding officers should view members as poor risks if they have records of indebtedness or non-support or whose personal problems have resulted in hardship assignments longer than four months and therefore shall screen them carefully before considering them for reenlistment.



12.B.4.b. Initial Interview

1. Based on the member's record and the guidelines in ☞ Article 12.B.4.a., the commanding officer shall advise each member approximately six months before his or her enlistment expires whether he or she is eligible to reenlist. The commanding officer shall fully inform a member ineligible to reenlist of the reasons, assign him or her the proper code and, except for members ineligible for physical disqualification, process the member under ☞ Article 12.B.5. This approximate time frame for the initial pre-discharge interview is not a performance probationary period for members considered ineligible to reenlist but rather allows enough time to properly process a member for separation, extension, or reenlistment. Under ☞ Article 12.B.5.a., the commanding officer may conduct this interview in less than six months' time before the member's enlistment expires.




2. Members who meet the  Article 1.G.5. reenlistment criteria shall be assigned the Reenlistment Code RE-1, "Eligible for Reenlistment," and allowed to reenlist for a maximum of six years. The commanding officer may reenlist members assigned this code on board without reference to Commander (CGPC-epm-1).
3. Immediately after the required initial interview, a **command representative**, who has indicated **favorable** career intentions, shall interview each member eligible to reenlist to give him or her the opportunity to express his or her own desires about reenlistment intentions. During the interview, the **command representative** must inform each potential reenlistee eligible for a Selective Reenlistment Bonus (SRB) of that eligibility and the SRB program's monetary benefits (**See  Chapter 3.C.**). The **command representative** must discuss these subjects:
 - a. The SRB amount for which the potential reenlistee currently is eligible.
 - b. SRB flexibility and possible changes that might increase or decrease the bonus amount to which the member is entitled at reenlistment.
 - c. Any limiting factor that could negatively affect the SRB payment, such as rating conversion, etc.
 - d. The advantages of early reenlistment to obtain the present SRB amount compared to the uncertainty of future SRB payment.
 - e. Normal SRB payment method of equal annual installments or, if appropriate, possible payment in one lump sum.

12.B.4.c. Follow-Up Interviews

When a member eligible to reenlist indicates he or she will not do so, the commanding officer or executive officer will hold a follow-up interview with the member to:

1. Fully inform him or her of matters of interest to potential reenlistees, such as advantages of training, promotion, service schools, assignments, and retirement.
2. Advise the member  Article 1.G.3.b. provisions apply if he or she desires to reenlist other than on the day after discharge.
3. Advise a member serving in a foreign country who transferred for separation in lieu of reenlisting at his or her present unit ( Article 12.B.46.b.) that:
 - a. Reenlistment will not be effected after such transfer unless the member requests and receives such authority from Commander (CGPC-epm-1).

COAST GUARD PERSONNEL MANUAL CHAPTER 12.B.

2. If a member, who satisfies the conditions in  Article 12.B.7.d.1., has received PCS orders, and wishes to voluntarily separate in lieu of executing orders, he or she must so advise Commander (CGPC-epm) by message within **15** days of receiving the PCS orders and simultaneously send a request to separate on an effective date within three months of receiving PCS orders. Commander (CGPC-epm) will consider such requests based on the overall Service needs. Commander (CGPC-epm) will not normally accept a request to cancel a voluntary separation so scheduled except to allow for disability processing, or Service need.
3. If a member's commanding officer determines that a request for separation is warranted even though it does not meet the conditions in  Article 12.B.7.d.1., the member should send the request and full supporting information pertaining to it to Commander (CGPC-epm), through the chain of command, for consideration. Such a request will be approved only in those rare instances when in the judgement of Commander (CGPC-epm), departing from subparagraph 1's normal rules, is justified. If the request is disapproved, Commander (CGPC-epm) will indicate when the member may resubmit a separation request. Commander (CGPC-epm) will cancel a request approved under this paragraph only to allow for disability processing, or Service need, subject to the provisions in  Article 12.B.7.d.
4. Submit separation requests to Commander (CGPC-epm) not more than one year or less than six months before the desired separation date. They will be acknowledged by either approval or disapproval. Include the following statements in all requests:

From: Member

To: Commander, Coast Guard Personnel Command (CGPC-epm)

Thru: Commanding Officer, [Unit]

Subj: VOLUNTARY SEPARATION REQUEST

Ref: (a) Personnel Manual, COMDTINST M1000.6(series), Article 12.B.7.d.


1. I request separation on the first day of [month, year], or as soon thereafter as feasible.


2. I intend to separate to [city, state, zip code].

3. I am/am not presently on the effective headquarters advancement authorization list for advancement to the next higher paygrade.



4. I further understand that if I request to cancel this separation, Commander, (CGPC-epm) will consider this request to allow for disability processing, or Service need. If such cancellation is approved for Service need, I understand that I will be required to remain on active duty for a minimum of two years from the day of approval of my request, or until I reach my HYT PGP for my present paygrade, if less than two years.

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5. The request must include the zip code of the intended travel destination for cost estimating purposes only; it is not binding, nor does it affect the member's right to travel to their place of enlistment or home of record up to six months after the separation date. See  Joint Federal Travel Regulations, **U5125**.

6. Area, district, maintenance and logistics, and unit commanding officers will include the following comments in endorsements to all separation requests:
 - a. Specific approval or disapproval of the basic request; if disapproval, the full reason for disapproval.
 - b. Whether the member meets the requirements listed in  Article 12.B.7.d.


12.B.7.e. Scheduling Voluntary Separations

1. The decision to submit a voluntary separation letter has significant impact because the projected separation triggers transfer and advancement actions that, if reversed, cause hardship to other members. Therefore, Commander (CGPC-epm) normally will not honor a request to cancel or delay an already approved voluntary separation date. **However, a request may be approved if the following conditions exist:**
 - a. To allow for disability processing; or
 - b. A specific Service need exists; or
 - c. A member has a hardship situation similar or equivalent to those listed in  Article 12.D.2. The Service does not consider a change in civilian employment plans a hardship; or
 - d. The separation physical examination finds the member “not fit for separation” and the member does not request in writing to cancel the physical disability processing.
2. When a request to cancel a scheduled separation is based on a Service need, the member must remain on active duty for at least two years from the date the request is approved, or up to the HYT PGP for **his/her** present paygrade, if less than two years.  Article 12.G.7.
3. Requests to cancel or delay a scheduled voluntary separation should normally be submitted at least three months before the approved separation date. Requests must be submitted through the member’s chain of command and clearly state the reasons for such cancellation **as well as a statement acknowledging that the member understands that he/she will be required to complete a minimum of two (2) years active duty from the date of cancellation of the voluntary separation request.**


12.B.8. Releasing Enlisted Members Early to Pursue Their Education

12.B.8.a General


1. Commanding officers may authorize release up to 30 days early for a member with a unique schooling or career opportunity he or she would lose if released on his or her normal enlistment expiration. The Coast Guard Personnel Command will not waive the 30-day limit on this authority. Members must combine all remaining earned leave and separation, the two totaling a maximum of 90 days.

2. Commanding officers should consider early releases only for those who perform effectively and honorably during their present enlistment. Therefore, the commanding officer will review the member's performance evaluations. Marks awarded through 30 June 1983 must average at least 3.3 in proficiency and 3.9 in conduct. This requirement will not be waived. For marks awarded after 30 June 1983, the member must meet the standards for an honorable discharge as described in  Article 12.B.2.f.
3. Commanding officers should expect relief for members granted early release to arrive no earlier than if the members were released at their normal expiration of enlistment.
4. If anticipating early release, advise Commander (CGPC-epm) by message as early as possible of member's name, rate, social security number, and anticipated release date.

12.B.8.b. Procedures

Use the procedures described in  Article 12.B.7.c. for members released early from active duty under this Article.

12.B.8.c. Recouping Reenlistment and/or Career Status Bonus

A member separating under this Article and paid a bonus for his or her current enlistment must refund **the unearned** portion of the bonus in accordance with the  U.S. Coast Guard Pay Manual, COMDTINST, M7220.29 (series) and Personnel and Pay Procedures Manual, HRSICINST M1000.2 (series).


12.B.9. Processing Unsatisfactory Performers

12.B.9.a. Policy

The Coast Guard can afford to retain only those members who better the organization as a whole. Occasionally members do not contribute to supporting the Coast Guard's missions. By their unsatisfactory or disruptive performance, they prevent or obstruct other Service members' responsible actions in meeting their obligations. Individuals whose performance demonstrates they cannot or will not contribute to supporting the Coast Guard's missions **may** be discharged under this Article's procedures. In many cases, promptly applying proper leadership can and will turn an unsatisfactory performer into a contributing Service member. The value of positive task direction and recommendations for improving performance at any time by any member to a subordinate cannot be over-emphasized. However, in some cases all leadership avenues and disciplinary action are no longer effective and the member's association with the Coast Guard must terminate. This Article does not supersede more appropriate administrative action specified elsewhere in this Article or medical administrative procedures. Final discharge authority rests with the applicable district commander, maintenance and logistics commander, Superintendent, Coast Guard Academy, or Commandant (G-WP) for other Headquarters units.


12.B.9.b. Scope

This Article applies to all enlisted active duty members who meet the following criteria:


1. The member must not be undergoing medical treatment or physical disability processing.
2. The member must be assigned to the current unit for at least 180 days.
3. The member must not be undergoing or eligible for more appropriate processing specified elsewhere in  Chapter 12.B.

12.B.9.c. Separation Criteria

To discharge a member as an unsatisfactory performer, commanding officers must clearly show the member has been given the proper direction to improve his or her performance and adequate time to demonstrate he or she could become a productive Service member. In all cases, use the enlisted performance appraisal system in effect to identify the unsatisfactory performer for this Article's purposes. However, the unsatisfactory performance pattern, the appraisal marks described must be supported by thorough documentation, including copies of Administrative Remarks, disciplinary action, and any other attempted corrective or training action. Unsatisfactory performers generally can be identified by one or more of the following traits:

1. Through 30 June 1983, proficiency or leadership marks have averaged a maximum of 3.2 or conduct marks 3.8 for the previous 18 months. However, commanding officers may consider members who have between 12 and 18 months' service for discharge under this Article if it is unrealistic to expect any future performance will raise the deficient mark to an average higher than specified above.
2. After 30 June 1983, the member must meet the standards for an honorable discharge as described in  Article 12.B.2.f.

12.B.9.d. Procedures to Notify Unsatisfactory Performers

1. Commanding officers must notify in writing a member whose performance record (12 months preferred in most cases, but at least six months for extremely poor performers) is such that he or she may be eligible for discharge under this Article and that his or her unsatisfactory performance may result in discharge if that performance trend continues for the next six months. The official notice will be in letter form using the example below.
2. Members discharged for unsatisfactory performance are assigned one of the following applicable reenlistment codes.  Article 12.B.9.c. for either case.
 - a. RE-4 (not eligible to reenlist). The member's unsatisfactory performance is due primarily due to personal conduct.
 - b. RE-3Y (unsatisfactory performance). The member's overall performance of duty is the reason for discharge, and the commanding officer determines the member may be eligible to reenlist at later date.

12.B.11.j. Awaiting Final Reviewing Authority Action

A commanding officer retains a member being considered by a Reenlistment or Administrative Discharge Board until Commander (CGPC-epm-1) advises the commanding officer of the Final Reviewing Authority's action.

12.B.11.k. Transfer to the Reserve in Lieu of Discharge

Upon expiration of enlistment, an enlisted Regular Coast Guard member who has an obligation under 10 U.S.C. 651 will be transferred to the Coast Guard Reserve under ☞ Article 12.B.41. in lieu of being discharged. Women who enlisted on or after 1 February 1978 incurred an obligation under 10 U.S.C. 651. Aliens have no military obligation under 10 U.S.C. 651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

12.B.11.l. Type of Discharge

A member discharged for enlistment expiration shall be given an honorable or general discharge as appropriate under ☞ Article 12.B.2.f.

12.b.11.m. Surrender of Uniform

The member may have to surrender his or her uniform. ☞ Article 12.B.53.e.

12.B.12. Convenience of the Government

12.B.12.a. Reasons for Discharge

Commander (CGPC) may authorize or direct enlisted members to separate for the convenience of the Government for any of these reasons:

1. General demobilization, reduction in authorized strength, or by an order that applies to all members of a class of personnel specified in the order.
2. Acceptance of a commission or appointment or acceptance into a program leading to an active duty commission or appointment in any Armed Forces branch.
3. National health, safety, or interest.
4. For immediate enlistment or reenlistment in the Regular Coast Guard, provided reenlistment is for a longer term of service than required under the existing obligation.
5. Erroneous enlistment, reenlistment, extension, or induction including among others:
 - a. A member enlisted or reenlisted, but erroneously was given a higher grade than that to which entitled. ☞ **Coast Guard** Recruiting Manual, COMDTINST M1100.2 (series).
 - b. A member enlisted or reenlisted, but is determined to have more than the maximum number of dependents authorized. ☞ **Coast Guard** Recruiting Manual, COMDTINST M1100.2 (series).

- c. A member undergoing recruit training in an original enlistment, **or a prior service member undergoing initial training in an original enlistment in the Coast Guard**, who has fewer than 60 days' active service **in the Coast Guard** has a physical disability not incurred in or aggravated by a period of active military service; i.e., the defect existed before the member entered the **Coast Guard**.
- 6. To provide members' early separation under various authorized programs and circumstances.
- 7. A member's inability to perform prescribed duties, repeated absenteeism, or non-availability for worldwide assignment.
- 8. To provide the discharge of conscientious objectors.
- 9. Motion sickness.
- 10. Obesity, provided a medical officer certifies a proximate cause of the obesity is excessive voluntary intake of food or drink, rather than organic or other similar causes apparently beyond the member's control.
- 11. Unsatisfactory performers. ☞ Article 12.B.9.
- 12. A condition that, though not a physical disability, interferes with performance of duty; e.g., enuresis (**bedwetting**) or somnambulism (**sleepwalking**).
- 13. At the individual member's written request to permit him or her to enter or return to an accredited college or university. ☞ Article 12.B.8.
- 14. When a member is found to be serving in a constructive enlistment.
- 15. As a result of the issuance of a writ of habeas corpus wherein it has been determined the member's retention in the Coast Guard is illegal.
- 16. When the Commandant so directs for good and sufficient reasons.
- 17. When the Secretary of Transportation directs any member to separate before his or her term of service expires, if the Secretary determines such a separation is in the Coast Guard's best interest.
- 18. At the member's written request to carry out parental responsibilities for care of newborn children. ☞ Article 12.F.

12.B.12.b. Commanding Officers' Authority

Commanding officers are authorized to separate early members who request to reenlist in lieu of extending under these circumstances:

1. To meet the obligated service requirement for transfer or training.
2. To meet the two-year obligated service requirement to advance to E-7, E-8, or E-9.
☞ Articles 1.G.14.a. and 5.C.25.e.

12.B.12.c. Character of Discharge

A member being discharged for the Government's convenience shall be given an honorable or general discharge, as appropriate, under ☞ Article 12.B.2.

12.B.12.d. Member's Right to Attorney

Commanding officers recommending involuntary separation under this Article for a member whose PDR indicates issuance of a general discharge must give the member the opportunity to consult with a lawyer counsel before initiating such action. Include a copy of the closed-out form CG-3306 of 30 June 1983 showing average Proficiency, Leadership, and Conduct marks and a copy of the current CG-3306 showing factor marks in the recommendation for discharge submitted to Commander (CGPC-epm-1).

12.B.12.e. Transfer in Lieu of Discharge

Members eligible for discharge under this Article's paragraph a.1., 3., or 17. may be required to transfer to or enlist in the Coast Guard Reserve in lieu of discharge.

12.B.12.f. Discharge for Other Reasons

If the commanding officer believes separation should not be for the convenience of the Government, but for unsuitability, misconduct, or any other reason, he or she will send a suitable recommendation to Commander (CGPC-epm-1) for consideration. Cases in this category include those in which the member's record shows commission of serious military offenses, a generally unsatisfactory military record, or other good, sufficient cause in the commanding officer's opinion. ☞ Article 12.B.10.

12.B.12.g. Surrendering Uniform

Any member discharged under this Article's paragraph a.8., 10., 11., 15., 16., or 17. is required to surrender his or her uniform. ☞ Article 12.B.53.e.

12.B.13. Vacant

12.B.14. Discharge for Minority (Under Age)

12.B.14.a. Authorization

Commander (CGPC) may authorize or direct the discharge of enlisted members for minority under law or as an administrative act when he or she considers such to be in the Government's best interest.

12.B.14.b. Definition

Under this Article, a person under the age of 18 is considered a minor. A minor must obtain a custodial parent's or legal guardian's written consent before enlisting.


12.B.14.c. Commanding Officer's Action


If it comes to the attention of a commanding officer that a member under the age of 18 may have enlisted in the Coast Guard without the custodial parent's or legal guardian's written consent or a minor's age may have been misrepresented, the commanding officer shall report such information to Commander (CGPC-epm-1) for disposition and include this information in his or her report:

1. Documentary evidence of the minor's true age.
2. A copy of the closed-out form CG-3306 dated 30 June 1983 showing average Proficiency, Leadership, and Conduct marks and a copy of the current form CG-3306 showing factor marks.
3. The parent's or guardian's request for discharge, if received.


5. Enlisted members will be discharged for physical disability not incurred in or aggravated by a period of active military service without processing before a physical evaluation board only if the medical board's report clearly and fully establishes such findings.
6. If a medical board finds a member is disabled for mental disability incurred before enlistment without any service aggravation, the member will be ordered before a physical evaluation board unless the statement required by subparagraph 4. is supported by a medical determination that the member possesses sufficient mental capacity and responsibility to intelligently understand he or she has a right to a full, fair hearing and fully understands the import of the statement that he or she does not demand such a hearing.

12.B.15.c. Discharging Recruits


Commanding Officer, Training Center Cape May is authorized to discharge an enlisted member in an original enlistment **in the Coast Guard** who has fewer than 60 days' active service **in the Coast Guard** for physical disability not incurred in or aggravated by active military service; i.e., a pre-existing physical defect, under  Article 12.B.15.b. conditions.

1. The commanding officer discharges the individual under  Article 12.B.12.a. as an erroneous enlistment. On completing the discharge processing, send the medical board report to Commandant (G-WK).
2. If either the medical board or the commanding officer recommends a waiver, send the medical board report to Commander (CGPC-epm-1) for determination.

12.B.15.d. Discharge Site

A member discharged under this Article will be separated at his or her current duty station unless  Article 12.B.46. applies.

12.B.15.e. Character of Discharge

A member discharged for physical or mental disability shall be given an honorable or general discharge, as appropriate, under  Article 12.B.2.f.

12.B.15.f. Opportunity for Counsel

Commanding officers recommending a member for involuntary separation hereunder whose PDR indicates issuance of a general discharge must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the closed-out form CG-3306 of 30 June 1983 showing average Proficiency, Leadership, and Conduct marks and a copy of the current CG-3306 showing factor marks in the discharge recommendation submitted to Commander (CGPC-epm-1).

12.B.15.g. Confidentiality

No one shall furnish the diagnosis or diagnoses on which a discharge for physical or mental disability is based to anyone except in a letter separate from any other letter, document, etc., furnished to the member on discharge. If a commanding officer believes the underlying reason for discharge, if revealed, will detrimentally affect the member concerned, he or she will not furnish the diagnosis or diagnoses on which a discharge for physical or mental disability is based. If a commanding officer does not furnish the diagnosis on application for it, he or she shall advise the member being discharged to apply to Commandant (G-WK).

12.B.15.h. Claim for Compensation

No member may be discharged or released from active duty in the Armed Forces for disability until he or she executes (or refuses to execute) a claim for compensation, pension, or hospitalization to be filed with the Veterans Administration (VA), or signs (or refuses to sign) a statement that he or she has received an explanation of the right to file such claim. Refusal or failure to do so does not prejudice any right such member may thereafter assert. ☞ 10 U.S.C. 1218(b).

12.B.15.i. Applying for Benefits

Under the Privacy Information Act, the VA may not grant compensation or a pension unless the member completes the application VA-Form 21-526e in full. On separation from the Service, the Service member should complete the application, attach the required records or forms listed in the instructions, and send the completed form to the Veterans Administration Regional Office with jurisdiction over the area where the separated member intends to reside. A member who has any questions about this form should contact the Veterans Administration Regional Office.

12.B.15.j. Surrender of Uniform

The member may be required to surrender his or her uniform. ☞ Article 12.B.53.e.



12.B.16. Unsuitability

12.B.16.a. By Commandant's Direction

Commander (CGPC) shall direct the discharge of enlisted members for unsuitability except as provided in ☞ Article 12.B.16.e. A discharge for unsuitability in lieu of disciplinary action will not be issued unless Commander (CGPC) determines the Service's and the member's interests will best be served by administrative discharge.

12.B.16.b. Causes for Discharge for Unsuitability

The purpose of discharges for unsuitability is to free the Service of members considered unsuitable for further service because of:

1. Inaptitude. Applies to members best described as unfit due to lack of general adaptability, want or readiness of skill, clumsiness, or inability to learn.
2. Personality Disorders. As determined by medical authority, personality behavior disorders and disorders of intelligence listed in the  Medical Manual, COMDTINST M6000.1 (series), Chapter 5.
3. Apathy, Defective Attitudes, and Inability to Expend Effort Constructively. A significant observable defect, apparently beyond the member's control, not readily describable elsewhere.
4. Unsanitary Habits.
5. Alcohol Abuse. See  Article 20.B.2. for guidelines on alcohol abuse cases.
6. Financial Irresponsibility.

12.B.16.c. Probation

Commanding officers will not initiate administrative discharge action for inaptitude, apathy, defective attitudes, unsanitary habits, or financial irresponsibility until they have afforded a member a reasonable probationary period to overcome these deficiencies. When commands contemplate discharging a member for these reasons, they shall counsel the member that a formal probationary period of at least six months has begun and make an appropriate Administrative Remarks, CG-3307, entry in the member's PDR that administrative discharge processing will be initiated unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge this entry in writing. Commanding officers are authorized to recommend discharge at any time during probation if the member is not attempting to overcome the deficiency. Submit copies of all CG-3307 entries as an enclosure to the discharge recommendation submitted to Commander (CGPC-epm-1).

12.B.16.d. Member's Rights

In each case processed in accordance with this Article, commanding officers shall:

1. Advise the member in writing, using the letter and endorsement described in ☞ Article 12.B.9., to inform the member of the reason(s) he or she is being considered for discharge. Specifically state one or more of the reasons listed in ☞ Article 12.B.16.b.
2. Afford the member the opportunity to make a written statement on his or her own behalf. If the member does not desire to make a statement, commanding officers shall state such fact in writing over the member's signature and that shall constitute his or her statement. If the member refuses to execute any statement whatsoever, the commanding officer will so state.
3. Afford the member an opportunity to consult with a lawyer as defined in Article 27 (b) (1), UCMJ, if the member's character of service warrants a general discharge. If the member is entitled to and requests counsel and one is not available, a commanding officer must delay discharge proceedings until one is available.

12.B.16.e. Discharging Members

District commanders, maintenance and logistic commanders, and commanding officers of training centers are authorized to discharge enlisted members having fewer than four months' active service in an original enlistment **in the Coast Guard** for unsuitability.

1. If such an enlisted member is deemed unfit for further retention solely for inaptitude as set forth in ☞ Article 12.B.16.b., a medical board is not required.
2. A member discharged under authority of this paragraph is normally issued an honorable discharge if he or she has sincerely attempted to maintain proper military behavior and perform his or her duties proficiently and industriously. Issuing a general discharge is warranted if there is evidence of misbehavior, bad faith, or failure to make a proportionate effort having due regard for his or her rate and capabilities. Commanding officers shall summarize the basis on which awarding a general discharge on an Administrative Remarks, CG-3307, in the member's PDR. The entry should reflect a record of disciplinary infractions in training, culpable failure to conform to minimum standards for recruit, **prior service**, or Reserve training, or poor attitude.

appeal is considered appropriate, Commander, (CGPC) may direct discharging the member with the appropriate type of discharge certificate subject to ☞ Article 12.B.18.d.

2. Procuring a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission, or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation of his or her age or without proper consent will not in itself be considered a fraudulent enlistment. Commanding Officer, Training Center Cape May, is delegated final discharge authority under this Article in these specific cases for members assigned to recruit training **or prior service training program**:
 - a. Deliberately concealed criminal records or **other information necessary to effect** enlistment.
 - b. Any current or past medical conditions or problems discovered during recruit training, **or prior service training program**, which would have prevented enlistment in the Coast Guard, had they been known.
3. Absenteeism. Unauthorized absence(s) of a prolonged, repeated or excessive nature, when it can be shown the member has:
 - a. Been in a state of continuous unauthorized absence for one year or more; ☞ Article 12.B.32.b., or
 - b. Three or more separate, unauthorized absences within a six-month period, or
 - c. Six or more separate, unauthorized absences within a six-month period and the total amount of unauthorized absence is six or more days.
4. Drugs.
 - a. Involvement with Drugs. Any member involved in a drug incident or the illegal, wrongful, or improper sale, transfer, manufacture, or introduction onto a military installation of any drug, as defined in ☞ Article 20.A.2.k., will be processed for separation from the Coast Guard with no higher than a general discharge. Commanding Officer, Training Center Cape May is delegated final discharge authority for members assigned to recruit training **or prior service training program** under this Article in specific cases of drug use before enlistment (as evidenced by a positive urinalysis shortly after **entering** training). New inductees shall sign an **Administrative Remarks**; CG-3307 entry acknowledging the presence of drugs in their bodies is grounds for a general discharge for misconduct.

COAST GUARD PERSONNEL MANUAL CHAPTER 12.B.

- b. Obstructing drug urinalysis testing by tampering with urine samples or documentation, including someone else's. Tampering includes, among other actions, submitting another person's sample in place of the member selected for testing, submitting samples containing substances other than urine, and altering the bar code labels, Urine Sample Custody Document, or unit sample ledger. Members discharged under this provision shall be issued no higher than a general discharge.
- 5. Discreditable involvement with civil or military authorities.
- 6. Sexual perversion including among other actions:
 - a. Lewd and lascivious acts.
 - b. Sodomy.
 - c. Indecent exposure.
 - d. Indecent acts with or upon a child.
 - e. Other indecent acts or offenses.
 - f. Involvement in a prohibited romantic relationship. ☞ Chapter 8.H. for policy guidance.
- 9. Abuse of a family member (spouse or child).
- 10. An established pattern of shirking.
- 11. An established pattern showing dishonorable failure to pay just debts.
- 12. An established pattern showing dishonorable failure to contribute adequate support to dependents.
- 13. An established pattern showing failure to comply with a civil court's valid orders, decrees, or judgments on supporting dependents.
- 12. One act of sexual harassment by assault or sexual coercion, or for conduct demonstrating an established pattern of sexual harassment by crude or offensive behavior, sexist behavior, and/or unwanted sexual attention. ☞ Article 8.I. and Coast Guard Equal Opportunity Program Manual, COMDTINST M5350.4 (series) for definitions and guidelines on sexual harassment.



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12.E. Homosexual Conduct

12.E.1. Introduction

The policies contained within this chapter are based upon 10 U.S.C. 654 and encompass the concepts commonly referred to as “Don’t Ask, Don’t Tell.” The phrase “Don’t Pursue, Don’t Harass,” has been subsequently added to better describe its intent. A brief description of these concepts follows:

1. **Don’t Ask.** Commanders, commanding officers and officers-in-charge or appointed inquiry officials shall not ask, and members shall not be required to reveal, their sexual orientation. Additionally, all members of the Coast Guard are expected to adhere to this requirement.
2. **Don’t Tell.** Members shall not be required to reveal their sexual orientation. However, if a member states that he or she is a homosexual or bisexual, or makes some other statement that indicates a propensity or intent to engage in homosexual acts, he or she may be subject to discharge.
3. **Don’t Pursue.** Inquiries regarding sexual orientation may not be initiated unless credible information is discovered. Even then, only certain individuals are authorized to initiate inquiries and must stay within expressed guidelines. (See  Article 12.E.7. regarding Command inquiries.)
4. **Don’t Harass.** The Coast Guard does not tolerate harassment or mistreatment of anyone, whether they are service members, civilian employees, Auxiliarists or members of the public, for alleged or perceived sexual orientation, or any other reason. Harassment can take different forms, ranging from “innocent” comments and jokes causing a hostile climate, to direct verbal or physical abuse. Further guidance regarding harassment can be found in the  Coast Guard Equal Opportunity Program Manual, COMDTINST M5350.4 (series).

12.E.1.a. Policy

1. Sexual orientation is considered a personal, private matter and is not a bar to Service entry or continued service unless manifested by homosexual conduct. Homosexual conduct, as defined in  Article 12.E.1.b., is grounds for separation from the Coast Guard.
2. At no time will a member, or prospective member, be asked or required to reveal whether he or she is heterosexual, homosexual, or bisexual. Nor will he or she be asked or required to reveal whether he or she has engaged in homosexual conduct, unless independent evidence is received indicating he or she engaged in such conduct or he or she volunteers a statement that he or she is a homosexual, bisexual, or words to that effect.
3. The general policy on homosexual conduct applies to all active and Reserve officers and enlisted members, **and all accession points.**

4. The policy covers five functional areas: accession, separation, criminal investigations, personnel security investigations, and military training.

12.E.1.b. Definitions

1. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.
2. Homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.
3. Homosexual Act.
 - a. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires, and
 - b. Any bodily contact **that** a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (a) above.
4. Homosexual Conduct. A homosexual act, a statement by the member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage.
5. Propensity. The likelihood a person engages in or will engage in homosexual acts, beyond a mere abstract preference or desire to engage in homosexual acts.
6. Separation Authority. An official authorized by the Commandant to take final action on a specified type of separation. The authority for most separations resulting from homosexual conduct is Commander (CGPC-opm), (CGPC-epm), or **(CGPC-rpm)**.
7. Sexual Orientation. An abstract sexual preference for persons of a particular sex, distinct from a propensity or intent to engage in sexual acts.
8. Statement a Member Is a Homosexual or Bisexual or Words to That Effect. Language or behavior **that** a reasonable person would believe intends to convey **that** a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts. This may include statements such as, "I am a homosexual," "I am gay," "I am a lesbian," and the like.

12.E.2. Accession Policy

1. Homosexual conduct is grounds for barring entry into the Coast Guard as follows:
 - a. An applicant shall be rejected for entry into the Coast Guard if evidence is received indicating he or she engaged in, attempted to engage in, or solicited another to engage in homosexual acts, unless there is a further determination that:
 - (1) Such acts depart from the applicant's usual customary behavior;
 - (2) Under all circumstances they are unlikely to recur;
 - (3) They were not accomplished by using force, coercion, or intimidation; and
 - (4) The applicant does not have a propensity or intent to engage in homosexual acts.
 - b. An applicant shall be rejected for entry into the Coast Guard if he or she states he or she is a homosexual or bisexual, or words to that effect, unless there is a further determination he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Such a determination will be made in the course of the normal accession process.
 - c. An applicant shall be rejected for entry into the Coast Guard if, in the course of the accession process, evidence is received demonstrating an applicant has married or attempted to marry a person known to be of the same **gender** (evidenced by the external anatomy of the persons involved).
2. Before enlistment, commissioning, or induction, all applicants and inductees will be advised homosexual conduct is grounds for separation from the Coast Guard. Failure to receive such information shall not constitute a defense in any administrative or disciplinary proceeding.
3. Nothing in this accession policy requires rejection for entry into the Coast Guard when it is determined that:
 - a. An applicant or inductee stated, engaged in acts, or married or attempted to marry a person of the same sex to avoid military service; and
 - b. Rejection of the applicant or inductee would not be in the best interest of the Coast Guard.


12.E.3. Separation Policy

The suitability of persons to serve in the Coast Guard will be judged on the basis of their conduct and ability to meet required standards of duty performance and discipline. A member's sexual orientation is considered a personal, private matter and is not a bar to continued service unless manifested by homosexual conduct as described in this article. There are three bases for separation:

1. Homosexual Acts. A Service member shall be separated if he or she has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are approved further findings of all these:
 - a. Such acts depart from the member's usual, customary behavior;
 - b. Such acts under all circumstances are unlikely to recur;
 - c. Such acts were not accomplished by using force, coercion, or intimidation;
 - d. Under the particular circumstances of the case, the member's continued presence in the Coast Guard is consistent with the Coast Guard's interests in proper discipline, good order, and morale; and
 - e. The member does not have a propensity or intent to engage in homosexual acts.
2. Statements. A service member shall be separated if he or she states he or she is a homosexual or bisexual, or words to that effect, unless there is a further approved finding the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.
 - a. A member's statement that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the member's sexual orientation, but because it indicates a likelihood the member engages in or will engage in homosexual acts.
 - b. A member's statement he or she is a homosexual or bisexual, or words to that effect, creates a rebuttable presumption the member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.
 - (1) The member shall be advised of this presumption and given the opportunity to rebut it by presenting evidence demonstrating he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts.
 - (2) In determining whether a member has successfully rebutted the presumption that he or she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts, some or all of the following may be considered; this list is not exhaustive; any other relevant evidence may also be considered:

- (a) Whether the member has engaged in homosexual acts;
 - (b) His or her credibility;
 - (c) Testimony from others about the member's past conduct, character, and credibility;
 - (d) The nature and circumstances of the member's statement; and
 - (e) Any other evidence on whether the member is likely to engage in homosexual acts.
3. Marriage. A service member shall be separated if he or she has married or attempted to marry a person known to be of the same biological sex (evidenced by the external anatomy of the persons involved).



12.E.4. Characterization of Service

Characterization of service will be determined in accordance with  Articles 12.A.2. (for officers) and 12.B.2. (for enlisted members) subject to this guidance:





1. For both officers and enlisted members, a discharge shall be characterized as "Honorable" or "General (Under Honorable Conditions)" if the sole basis for separation is homosexual conduct unless aggravating circumstances are included in the findings.
2. For both officers and enlisted members, separation may be characterized as "Under Other Than Honorable Conditions" only if there is also a finding that during the current term of service the member attempted, solicited, or committed a homosexual act under any of these aggravating circumstances:
 - a. By using force, coercion, or intimidation;
 - b. With a person under 16 years of age;
 - c. With a subordinate in circumstances that violate customary military superior-subordinate relationships;
 - d. Openly in public view;
 - e. For compensation;
 - f. Aboard a military vessel or aircraft; or
 - g. In another location subject to military control under aggravating circumstances noted in the finding that adversely affect discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

12.E.5. Procedures



12.E.5.a. Commissioned and Warrant Officers


Separation processing shall be conducted in accordance with  **Chapter 12.A.**, subject to the guidance found in this **article**. Notification and acknowledgment will be consistent with **procedures outlined in**  Article 12.A.15.

1. Commissioned Officers (Article 12.A.15.)

- a. Per  Article 12.A.15.h., **a Board of Inquiry may be convened to afford an officer a fair, impartial hearing.** The Board makes findings and recommendations based on a preponderance of evidence. In the case of alleged homosexual conduct, the officer bears the burden of proving throughout the proceedings, by a preponderance of the evidence, that retention is warranted under the limited circumstances described in  **Article 12.E.3.**
 - b. Additionally, nothing in these regulations requires that an officer be processed for separation when a determination is made that:
 - (1) The officer engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex to avoid military service; and
 - (2) Separating the officer would not be in the best interest of the Coast Guard.
 - c. In cases of alleged homosexual conduct, both the Determination Board and Board of Inquiry shall make specific findings of the reasons warranting retention or not and, if appropriate, stating the character of discharge (in accordance with  Article 12.A.2.f.) to be issued.
 - d. A commissioned officer may be considered for separation for all the reasons in  Chapter 12 and those set forth in subparagraph c. above; however, separate findings under each applicable section are required for the reasons for separation.
- #### 2. Warrant Officers (Article 12.A.21). When Evaluation Boards convene and Board of Inquiry procedures are followed as described in Article 12.A.15., the conditions described above for commissioned officers apply, as appropriate, to warrant officers.

12.E.5.b. Enlisted Members

Separation processing shall be conducted in accordance with  **Chapter 12.B.**, subject to the guidance found in this **article**.  Figures 12.E.1. and 12.E.2. provide sample notification and acknowledgment letters to initiate the administrative discharge process for enlisted members.

1. Enlisted Members with fewer than 180 days service. (Article 12.B.20) Processing under  Article 12.B.20. will be followed if the member has fewer than 180 days' service on notification of discharge. The member must be informed in writing the reason(s) for separation under the homosexual conduct policy and of his or her rights.

2. Enlisted Members with 180 days' or more service. (Article 12.B.31.) Administrative Discharge Board (ADB) procedures are found in ~~☞~~ Article 12.B.31., and shall be used for enlisted members with 180 days' or more service on notification of discharge, subject to the following:
 - a. The member may waive the ADB.
 - (1) If the member waives the ADB for cases involving homosexual acts and/or homosexual marriage or attempted marriage, the member still has the right to submit a statement on his or her behalf.
 - (2) **In** cases involving **homosexual admissions**, if the member waives the ADB, he or she still has the right to submit a statement on his or her behalf **as well as** an opportunity to rebut the presumption in that **admission** by demonstrating that he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts.
 - b. ~~☞~~ Article **12.E.7.** contains the fact-finding procedures for inquiries into homosexual conduct. Separation processing shall be initiated if there is probable cause to believe separation is warranted under ~~☞~~ **Article 12.E.3.**
 - c. If the ADB finds the evidence supports one or more of the circumstances authorizing separation under ~~☞~~ **Article 12.E.3.**, the ADB shall recommend separation unless it finds that retention is warranted under the limited circumstances described in ~~☞~~ **Article 12.E.3.1.**
 - d. If the ADB does not find sufficient evidence that one or more of the circumstances authorizing separation under ~~☞~~ **Article 12.E.3.** has occurred, the ADB shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.
 - e. The member bears the burden of proving by a preponderance of the evidence that retention is warranted under the limited circumstances described in ~~☞~~ **Article 12.E.3.**, except in cases where the member's conduct resulted solely from a desire to avoid or terminate military service.
 - f. Findings on whether retention is warranted under the limited circumstances of ~~☞~~ **Article 12.E.3.** are required if the member clearly and specifically raises such limited circumstances.

Figure 12.E.5.1. SAMPLE NOTIFICATION MEMORANDUM FOR ENLISTED MEMBERS

Signature
From: Commanding Officer, [Unit]
To: [Member name]:
Subj: NOTICE OF INITIATION OF ADMINISTRATIVE DISCHARGE PROCESS
Ref: (a) Personnel Manual, COMDTINST M1000.6A, Article 12.E.5.
(b) Personnel Manual, COMDTINST M1000.6A, Article 12.B.31.
(c) Administrative Investigations Manual, COMDTINST M5380.1 (series)

1. You are hereby notified per reference (a), I am initiating procedures for you to be administratively discharged from the United States Coast Guard [Reserve] for homosexual conduct [and other grounds if applicable].

Specific reasons for the action are as follows:

[Sample paragraphs 2 and 3 are formats to use for each type of homosexual conduct defined in reference (a): homosexual statement, homosexual act, or homosexual marriage or attempted marriage. More than one basis for discharge can exist: multiple grounds for discharge can exist, including those unrelated to homosexual conduct. Separately cite and address each basis for separation in this notification letter.]

For cases involving statements:

2a. I have received credible information you have made a statement indicating you are [homosexual/bisexual—whichever is appropriate], or words to that effect. Specifically, you stated on [date] that [describe statement]. Under reference (a), this statement creates a rebuttable presumption you engage in, have a propensity to engage in, or intend to engage in homosexual acts and presents probable cause to believe separation is warranted under reference (a).

3a. Under reference (a), you are entitled to rebut the presumption noted above at an administrative discharge board by presenting evidence demonstrating you are not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Under references (b) and (c), you have the right to appear in person and present your case before an administrative discharge board of at least three officers. References (b) and (c) outline additional procedures for administrative boards. You have the right to be represented by appointed counsel, or private counsel at no expense to the Government, at such hearing. You may waive this right by submitting a signed statement only after consulting with legally qualified counsel and having a witness countersign that waiver. If you decide to waive a hearing before an administrative discharge board, you still have the right to submit a statement on your behalf and an opportunity to rebut the presumption noted above in the statement by demonstrating you do not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts.

For cases involving homosexual acts:

2b. I have received credible information you have engaged in homosexual acts. Specifically, on [dates] you [describe homosexual acts]. Your homosexual acts present probable cause to believe

separation is warranted under reference (a).

3b. Under reference (a), you are entitled to present evidence to contest the matters noted above about your alleged homosexual act(s). You also are entitled to present evidence your retention in the Coast Guard is warranted because: (1) your act(s) were a departure from your usual customary behavior; (2) your act(s) under all the circumstances are unlikely to recur; (3) your act(s) were not accomplished by using force, coercion, or intimidation; (4) under the particular circumstances of your case, your presence in the Coast Guard is consistent with the Coast Guard's interest in proper discipline, good order, and morale; and (5) you do not have a propensity or intent to engage in homosexual acts. Under reference (a), you have the right to appear in person and present your case before an administrative discharge board of at least three officers. References (b) and (c) outline procedures for administrative boards. You have the right to be represented by appointed counsel or private counsel at no expense to the Government at such a hearing. You may waive these rights by submitting a signed statement only after consulting with legally qualified counsel and having a witness countersign such a waiver. If you decide to waive a hearing before an administrative discharge board, you still have the right to submit a statement on your behalf.

For cases involving homosexual marriages or attempted marriages:

2c. I have received credible information you have [married/attempted to marry] a person of your same biological sex. Specifically, on [date] you [describe marriage or attempted marriage and to whom]. This [marriage/attempted marriage] presents probable cause to believe separation is warranted under reference (a).

3c. Under reference (a), you are entitled to present evidence to contest the matters noted above about your alleged homosexual [marriage/attempted marriage]. Under reference (a) you have the right to appear in person and present your case before an administrative discharge board of at least three officers. References (b) and (c) outline procedures for administrative boards. You have the right to be represented by appointed counsel or private counsel at no expense to the Government at such a hearing. You may waive these rights by submitting a signed statement only after consulting with legally qualified counsel and having a witness countersign such a waiver. If you decide to waive a hearing before an administrative discharge board, you still have the right to submit a statement on your behalf.

4. I will send my recommendation on any proposed administrative discharge to [proper Separation Authority, in most cases the Commander, Coast Guard Personnel Command] for final disposition. The final decision on any type of discharge you may receive rests with [proper Separation Authority].

5. You have until [date: 10 working days from the date of this letter] to consult with a qualified military counsel or a civilian attorney at no expense to the Government and acknowledge receipt of this letter. To do so, indicate your desires on the attached endorsement after either consulting with counsel or waiving such consultation and then return the attached endorsement to me by [same date as above]. If you decide to submit a statement on your own behalf, you also must submit your statement to me by [same date as above] with the attached endorsement. Qualified military counsel is available from [unit provides address and telephone number].

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Figure 12.E.5.2. SAMPLE ACKNOWLEDGMENT MEMORANDUM FOR ENLISTED MEMBERS

Member's Signature
From: [Member]

To: Commanding Officer, [Unit]

Subj: NOTICE OF INITIATION OF ADMINISTRATIVE DISCHARGE PROCESS

Ref: (a) [letter notifying member of discharge action]

1. I have read reference (a) and hereby acknowledge you are initiating administrative discharge proceedings against me for homosexual conduct [and other grounds if applicable]. I also understand unless I waive such rights in writing:

- a. My case will be heard before an administrative discharge board of at least three officers;
- b. I may appear in person before such an administrative discharge board [unless in civil confinement or otherwise unavailable];
- c. I may be represented by counsel; and
- d. I may submit a statement on my own behalf.

2. I understand [the Separation Authority, in most cases the Commander, Coast Guard Personnel Command] will take final disposition on type of discharge issued, if any.

3. I [do/do not: use only words which apply] waive my right to a hearing before an administrative discharge board. I [am/am not: use only words which apply] submitting a statement on my own behalf.

4a. In coming to my decision, I consulted with [rank, name of qualified military counsel or name of civilian counsel] on [date].

or

4b. I understand my right to consult with qualified military counsel, or civilian counsel at no expense to the Government, on this matter. I hereby waive my right to counsel.

5. I further understand if discharge under other than honorable conditions is issued to me such discharge may deprive me of many or all my rights as a veteran under both Federal and State legislation; and I may expect to encounter substantial prejudice in civilian life in situations in which the type of service rendered in any Armed Forces branch or the type of discharge received from it may have a bearing.






6. I voluntarily sign this statement of my own free will. I have retained a copy of this statement.

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(Signature and grade of legally qualified counsel; required only if the member elects to waive the administrative discharge board)

12.E.6. Separation Authority

The Separation Authority shall dispose of the Administrative Discharge Board (ADB) case according to these provisions:

1. If the ADB recommends retention, the Separation Authority shall take one of these actions:
 - a. Approve the finding and direct retention; or
 - b. Disapprove the finding and direct separation on the basis that one or more of the circumstances authorizing separation under  **Article 12.E.3.** has occurred.
2. If the ADB recommends separation, the Separation Authority shall take one of these actions:
 - a. Approve the finding and direct separation; or
 - b. Disapprove the finding on the basis of the following considerations:
 - (1) There is insufficient evidence to support the finding; or
 - (2) Retention is warranted under the limited circumstances described in  **Article 12.E.3.1.**
3. If the member has waived the ADB proceedings, the Separation Authority shall dispose of the case in accordance with these provisions:
 - a. If the Separation Authority determines sufficient evidence does not exist to support separation under  **Article 12.E.3.**, the Separation Authority directs retention unless there is another basis for separation of which the member has been duly notified.
 - b. If the Separation Authority determines one or more of the circumstances authorizing separation under  **Article 12.E.3.** has occurred, the member separates unless retention is warranted under the limited circumstances described in  **Article 12.E.3.1.**
4. Nothing in these procedures requires processing a member for separation when a determination is made that:
 - a. The member engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex to avoid or terminate military service; and
 - b. Separating the member would not be in the best interest of the Coast Guard.

5. Under these procedures the Coast Guard retains these rights:
 - a. It may retain a member for a limited period of time in the interests of national security as authorized by the Secretary.
 - b. It may separate a member in appropriate circumstances for any other reason set forth in ~~12~~ Chapter 12.
 - c. It may court-martial a member in appropriate cases.
 - d. It may require the member to surrender his or her uniform.

12.E.7. Command Inquiries


1. Commanding officers may initiate fact-finding inquiries into alleged homosexual conduct only after receiving credible information a basis for discharge exists.
 - a. Credible information is that which, considering its source and the surrounding circumstances, supports a reasonable belief there is a basis for discharge. It requires a determination based on facts which can be articulated, not just a belief or suspicion.
 - b. A commanding officer personally or a person he or she appoints may conduct a fact-finding inquiry.
2. Credible information about homosexual conduct does not exist if the only information known concerns an associational activity; e.g., going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide evidence of homosexual conduct. Credible information does exist, however, if a reliable person states he or she:
 - a. observed a service member engaging in homosexual acts **or heard a service member state that** he or she is a homosexual or bisexual or is married to a person of the same sex;
 - b. heard, observed, or discovered a service member made an oral or written statement a reasonable person would believe intends to convey the fact the service member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts; or
 - c. has observed behavior that amounts to a non-verbal statement by a service member he or she is a homosexual or bisexual; i.e., behavior a reasonable person would believe is intended to convey the statement the Service member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

3. Service members will not be asked about or required to reveal whether they are heterosexual, homosexual, or bisexual. However, on receiving credible information of homosexual conduct, commanders or appointed inquiry officials may ask members if they engaged in such conduct. These officers first should advise the Service member of the policy on homosexual conduct and of his or her rights under Article 31, UCMJ, if applicable. Should the Service member choose not to discuss the matter further, the commander should consider other available information.
4. Commanders should gather all credible information that directly relates to the grounds for possible separation and limit inquiries to the factual circumstances directly related to the specific allegations. Informal fact-finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. However, Service members may be subject to disciplinary action or trial by courts-martial in appropriate circumstances.
5. This provision allows a commander to question a Service member about any information he or she provided in the course of the fact-finding inquiry or any related proceeding. It does not give the member any basis to challenge the validity of any proceeding or the use of any evidence, including his or her statement, in any proceeding.

12.E.8. Criminal Investigations

1. Criminal investigations **will not be** conducted solely to determine whether a Service member is heterosexual, homosexual, or bisexual. **However, in cases which involve a Service member's admissions or other violations of this policy in regards to homosexual or bisexual activity, the commander may request that the Coast Guard Investigative Service (CGIS) initiate an investigation to determine the validity of allegations of homosexual or bisexual misconduct for use in any subsequent administrative or criminal proceedings.**
2. **Sexual orientation does not bar investigations into alleged adult consensual sexual misconduct (e.g., fraternization or adultery) or violations of law, regardless of whether they involve the question of sexual orientation.**
3. **In the course of an investigation, only credible information regarding sexual orientation may be investigated, only as far as it pertains to the original investigation.**
4. These provisions do not provide a basis to challenge the validity of any administrative or criminal proceeding or exclude the use of any evidence in such proceeding.

12.E.9. Personnel Security Investigations

Sexual orientation has no bearing on security clearances and members will not be asked to divulge such information. If, in the course of a background investigation, such information is discovered and there is a possibility that it may pose a security risk (e.g., possibility of blackmail), personnel security adjudicators and the USCG Personnel Security Officer will follow the national adjudication standards and other guidance provided in the  Coast Guard Military Personnel Security Program, COMDTINST 5520.12 (series).

12.E.10. Military Training

In conjunction with briefings under Article 137, UCMJ, which are required on entry and periodically thereafter, Service members will **receive training concerning** the Coast Guard's policy on sexual conduct, including homosexual conduct. This is a command responsibility, not a procedural entitlement. The member's failure to receive or understand such explanation does not create a bar to separation or characterization.

12.G. Enlisted High Year Tenure

12.G.1. Discussion

The High Year Tenure policy establishes limits on the amount of time an active duty enlisted member can remain at each pay grade. It is designed to increase personnel flow, compel members to advance in their rating, and allow more consistent training and advancement opportunities for the enlisted workforce. With more balanced, consistent opportunities, the Coast Guard can retain the most highly motivated members who in turn gain in experience and ensure the Coast Guard retains its leadership and professional continuity.


12.G.2. Definitions

1. Active Military Service. All active duty and active duty for training in the United States Army, Navy, Air Force, Marine Corps, and Coast Guard or any component of these services.
2. Active Coast Guard Service. All active duty and active duty for training served as a member of the United States Coast Guard.
3. Professional Growth Point (PGP). The maximum time in service for each pay grade.

12.G.3. Professional Growth Points

GRADE	PROFESSIONAL GROWTH POINT
E-1	Completion of enlistment contract. Cannot reenlist or extend.
E-2	Four years' active military service. Cannot reenlist or extend beyond four years' active military service.
E-3 E-4	Seven years' active Coast Guard service or 10 years' active military service, whichever gives the member a greater total of active military service. May reenlist or extend up to but not beyond seven years, one month's active Coast Guard service or 10 years, one month's active military service.
E-5	Twenty years' active military service. May reenlist or extend up to but not beyond 20 years, one month's active military service.
E-6	Twenty-two years' active military service. May reenlist or extend up to but not beyond 22 years, one month's active military service.
E-7	Twenty-six years' active military service. May reenlist or extend up to but not beyond 26 years, one month's active military service.
E-8	Twenty-eight years' active military service. May reenlist or extend up to but not beyond 28 years, one month's active military service. For rates not having authorized E-9 billets, a member advanced or above the cutoff on the E-8 advancement eligibility list may reenlist or extend up to but not beyond 30 years, one month's active military service.
E-9	Thirty years' active military service. May reenlist or extend up to but not beyond the last day of the month that the member completes 30 years active military service. Members in pay grade E-9 who are completing or have been ordered to a standard tour in the MCPO-CG and Commandant-designated "Gold Badge" CMC billets may reenlist or extend beyond 30 years' active military service for a period not to exceed completion of a standard tour as the CMC .

12.G.4. Changing the Professional Growth Point

1. Advancement.
 - a. If a member is above the cutoff on an advancement eligibility list, his or her PGP increases on the advancement eligibility list's date to the pay grade to which the member will advance, provided the member remains eligible for advancement throughout the entire Servicewide Examination (SWE) cycle. If a member is below the cutoff but advances from that advancement eligibility list before reaching his or her current PGP, the PGP increases to the pay grade to which advanced on the date of the Coast Guard Personnel Command's Advancement Authorization message.
 - b. If the member's advancement was held in abeyance, the command must be cognizant of the member's PGP. If a member's advancement is held in abeyance, he or she is eligible to advance until that list expires. However, if the member's PGP occurs before the list expires, the PGP takes precedence. The member cannot go beyond the PGP even though the list has not expired.
2. Reduction. If a member is reduced in rate, the reduction in pay grade may place the member beyond the reduced paygrade's HYT PGP because the member will have more active military service than the reduced paygrade permits. In this case, the below applies:
 - a. Members reduced by one paygrade.
 - (1) Members in paygrade E-5 who are reduced to paygrade E-4 will be allowed to keep their E-5 HYT PGP.
 - (2) Members in paygrade E-6 and above, who are reduced one paygrade will be allowed to keep their E-6 HYT PGP.
 - (3) If a member is advanced to a higher paygrade, then the HYT PGP increases to the paygrade to which advanced.
 - b. Members reduced two or more paygrades. Members reduced by two or more paygrades (i.e. E-6 to E-4) will be processed as follows:
 - (1) Members in paygrade E-6 or below, who are reduced two or more paygrades (i.e. E-6 to E-4) will be allowed to remain on active duty for a period of up to 36 months from the date of reduction or to the HYT PGP of the grade held upon completion of the 36 month period, whichever is greater.
 - (2) Members in paygrade E-7 and above, who are reduced two or more paygrades (i.e., E-7 to E-5), will be separated using the HYT PGP of the paygrade to which reduced.
 - (3) If a member is advanced to a higher paygrade, then the HYT PGP increases to the paygrade to which advanced.
3. Waiver. Submit a request for waiver not later than six months before the member reaches his or her PGP. If approved, the PGP will be changed as Commander, (CGPC-epm-1) directs effective the date of approval.  Article 12.G.9.